

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAWN K. HANKINS	:	CIVIL ACTION
	:	NO. 13-4929
v.	:	
	:	
CAROLYN W. COLVIN,	:	
Commissioner of Social Security	:	

**ORDER**

AND NOW this 6th day of May, 2015, upon consideration of the objections of the Commissioner (Dkt. No. 20) to the report and recommendation of Magistrate Judge Angell remanding the Commissioner's final decision in this matter for further review (Dkt. No. 19), plaintiff Dawn Hankins' reply (Dkt. No. 22), the parties' opening briefs (Dkt. Nos. 9, 12, 14), the transcript of their oral argument before Magistrate Judge Angell (Dkt. No. 18), the administrative record (Dkt. No. 6) and consistent with the accompanying memorandum of law, it is hereby ORDERED that (1) the R&R is AFFIRMED and ADOPTED with regard to its findings that the ALJ properly accounted for Hankins' hospitalizations, surgeries and recovery time in the RFC determination and that the ALJ committed error in the analysis of Hankins' mental impairment at step two; (2) the Commissioner's objections are OVERRULED to the extent the R&R properly did not make a durational disability determination at step one where the ALJ had deferred that finding; and (3) the R&R is MODIFIED to the extent that I find the ALJ sufficiently considered Hankins' obesity, the ALJ's errors at step two were harmless, the ALJ's RFC determination was supported by substantial evidence, the ALJ did not fail to show proper deference to the opinions of Hankins' treating physicians and Hankins' case is not appropriate for remand to the ALJ. Thus, JUDGMENT IS ENTERED IN FAVOR OF DEFENDANT AFFIRMING THE

DECISION OF THE COMMISSIONER OF SOCIAL SECURITY and the relief sought by plaintiff is DENIED. The Clerk of Court is hereby directed to mark this case CLOSED.

*s/Thomas N. O'Neill, Jr.*

THOMAS N. O'NEILL, JR., J.